

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON TEXAS DIVISION

United States District Court
Southern District of Texas
FILED

JUN 11 2020

Dwight Russell, ETAL.
PLAINTIFFS

David J. Bradley, Clerk of Court

4:19 CV 226

HARRIS COUNTY, TEXAS, ETAL.
DEFENDANTS

RUSSELL CORMIER
INTERVENOR

RUSSELL CORMIER MOTION TO INTERVENE

I. RELIEF SOUGHT

RUSSELL CORMIER MOVES THIS COURT FOR AN ORDER PERMITTING HIM TO INTERVENE AS A PLAINTIFF IN THIS ACTION AS A MATTER OF RIGHT UNDER RULE 24(A) FRCP OR IN THE ALTERNATE ALLOWING PERMISSIVE INTERVENTION AS A PLAINTIFF IN THIS MATTER UNDER RULE 24(B) FRCP.

II. COMPLAINT IN INTERVENTION

RUSSELL CORMIER IS ENTITLED TO INTERVENE IN THIS ACTION AS A MATTER OF RIGHT BECAUSE:

1. HE HAS A LEGALLY PROTECTABLE INTEREST IN THE SUBJECT MATTER OF THIS ACTION. THIS ACTION CONCERNS CONSTITUTIONAL BAIL HEARINGS FOR PRETRIAL DETAINEES IN HARRIS COUNTY JAIL

2. HIS INTERESTS WILL BE SUBSTANTIALLY IMPAIRED OR IMPEDED IF HE IS NOT ALLOWED TO INTERVENE.
3. THE EXISTING PARTIES IN THIS ACTION DO NOT ADEQUATELY REPRESENT HIS INTEREST IN THE CITATION BECAUSE THEY ARE NOT STILL HELD UNDER THE SAME OPPRESSIVE BAIL CONDITIONS AS SET OUT IN THE ORIGINAL COMPLAINT.
4. INTERVENOR IS CURRENTLY CHARGED, BY INDICTMENT FOR TWO-COUNTS OF MURDER IN CAUSES 1549218 AND 1548048. HIS BONDS ARE SET AT \$250,000 FOR EACH CAUSE; TOTAL AMOUNT BEING A \$500,000 EXCESSIVE AMOUNTS BOND. INTERVENOR HAS BEEN HELD IN CONTINUOUS CONFINEMENT FOR OVER THREE YEARS SINCE HIS ARREST IN APRIL 2017.
5. INTERVENOR HAS REQUESTED BY FILING HIS OWN MOTION AND REQUESTING HIS COURT APPOINTED ATTORNEY, HATTIE SEWELL SHANNON, TO SEEK A CONSTITUTIONAL BAIL HEARING DUE TO THE COVID-19 PANDEMIC. HIS ATTORNEY HAS THUS FAR REFUSED TO HELP HIM IN SEEKING A BAIL HEARING. CITING THAT THE TRIAL JUDGE HAD REFUSED TO LOWER HIS BOND; PURSUANT TO A "MOTION TO REDUCE BOND" SEVERAL MONTHS AGO. THE JUDGE'S DENIAL WAS MADE WITHOUT THE BENEFIT OF A FORMAL EVIDENTIARY BAIL HEARING.

III. GROUNDS FOR GRANTING MOTION

- THE COURT SHOULD GRANT THIS MOTION TO INTERVENE BECAUSE:
1. THE MOTION WAS TIMELY MADE.
 2. THIS COURT HAS SUBJECT MATTER JURISDICTION.
 3. INTERVENOR HAS INCORPORATED HIS PROPOSED COMPLAINT IN INTERVENTION.

IV. RECORD ON MOTION

THIS MOTION IS BASED ON THIS DOCUMENT, AND ALL OF THE RECORDS ON FILE IN THIS ACTION, AND ON WHATEVER EVIDENCE AND ARGUMENT; MAY BE ALLOWED AT THE HEARING ON THIS MOTION.

Respectfully Submitted
Russell Cormier
INTERVENOR

I, RUSSELL CORMIER 02901189, HARRIS COUNTY JAIL, BEING PRESENTLY INCARCERATED IN HARRIS COUNTY JAIL IN HARRIS COUNTY, TEXAS, DECLARE UNDER PENALTY OF PERJURY THAT THE FOR GOING IS TRUE AND CORRECT

EXECUTED ON 4 JUNE 2020, Russell Cormier

RUSSELL CORMIER
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